

## DENTAL BOARD OF CALIFORNIA

### Proposed Language

Amend Sections 1021, 1028 and 1034 and add Section 1034.1; to Division 10 of Title 16 of the California Code of Regulations to read as follows:

Amend section 1021 to read:

#### **§1021. Dentists.**

The following fees are fixed for dentist licensure by the board:

- (a) Initial application for the board clinical and written examination pursuant to Section 1632(c)(1) of the code and initial application for those applicants qualifying pursuant to Section 1632(c)(2).....\$100
- (b) Initial application for restorative technique examination .....\$250
- (c) Applications for reexamination .....\$ 75
- (d) Board Clinical and written examination or reexamination pursuant to Section 1632(c)(1) of the code.....\$450
- (e) California law and ethics examinations or reexaminations for applicants qualifying pursuant to Section 1632(c)(2) of the code.....\$ 75
- (~~ef~~) Restorative technique examination or reexamination .....\$250
- (~~fg~~) Fee for application for licensure by credential .....\$283
- (~~gh~~) Initial license.....\$365\*
- ~~The fee for an initial dental license, for the licensing period commencing on or after June 1, 1998 shall be \$365.~~
- (~~hi~~) Biennial license renewal fee —~~The fee for the biennial renewal of a dental license for licensing periods commencing on or after October 1, 1991 through May 31, 1998, shall be \$240. The fee for the biennial renewal of a dental license, for the licensing periods commencing on or after June 1, 1998 shall be~~.....\$365.
- (~~ij~~) Biennial license renewal fee for those qualifying pursuant to Section 1716.1 of the code shall be one half of the renewal fee prescribed by subsection (~~gi~~) ~~for licensing periods which commence on or after May 1, 1993.~~
- (~~jk~~) Delinquency fee—license renewal - The delinquency fee for license renewal shall be the amount prescribed by section 163.5 of the code.
- (~~kl~~) Substitute certificate .....\$50
- (~~lm~~) Application for an additional office permit .....\$100
- (~~mn~~) Biennial renewal of additional office permit.....\$100
- (~~no~~) Late change of practice registration .....\$50
- (~~op~~) Fictitious name permit The fee prescribed by Section 1724.5 of the Code
- (~~pq~~) Fictitious name renewal .....\$150
- (~~qr~~) Delinquency fee-fictitious name renewal
- ~~The delinquency fee for fictitious name permits shall be one-half of the fictitious name permit renewal fee.~~
- (~~rs~~) Continuing education registered provider fee .....\$250
- (~~st~~) General anesthesia or conscious sedation permit or oral conscious sedation certificate.....\$200

( <del>tu</del> ) Oral Conscious Sedation Certificate Renewal .....	\$ 75
( <del>uv</del> ) General anesthesia or conscious sedation permit renewal fee .....	\$200
( <del>vw</del> ) General anesthesia or conscious sedation on-site inspection and evaluation fee .....	\$250
*Fee pro-rated based on applicant's <u>birth date</u> <del>birthdate</del> .	

Note: Authority cited: Sections 1614, 1635.5, 1724 and 1724.5, Business and Professions Code. Reference: Sections 1632, 1646.6, 1647.8, 1647.12, 1647.15, 1715, 1716.1, 1718.3, 1724 and 1724.5, Business and Professions Code.

Amend section 1028 to read:

**§1028. Application for Licensure.**

- (a) ~~An applicant~~ Application for licensure as a dentist shall ~~submit~~ be made on a form prescribed by the board and ~~shall show that the applicant is at least 18 years of age.~~
- (b) ~~The application shall~~ be accompanied by the following information and fees:
- (1) The application and examination(s) fees as set ~~fixed~~ by the board;
  - (2) Satisfactory evidence that the applicant has met all applicable requirements in Section 1628 of the Code of graduation from a dental school approved by the board;
  - (3) Two classifiable sets of fingerprints or LiveScan form ~~on forms provided by the board and applicable fee;~~
  - (4) Where applicable, a record of any previous dental practice and verification of license status in the last each state or jurisdiction in which ~~he attained~~ licensure as a dentist has been attained;
  - (5) Except for applicants qualifying pursuant to Section 1632(c)(2), ~~Satisfactory~~ evidence of liability insurance or of financial responsibility in accordance with Section 1628(c) of the code. For purposes of that ~~section~~ subsection:
    - (A) Liability insurance shall be deemed satisfactory if it is either occurrence-type liability insurance or claims-made type liability insurance with a minimum five year reporting endorsement, issued by an insurance carrier authorized by the Insurance Commissioner to transact business in this State, in the amount of \$100,000 for a single occurrence and \$300,000 for multiple occurrences, and which covers injuries sustained or claimed to be sustained by a dental patient in the course of the licensing examination as a result of the applicant's actions.
    - (B) "Satisfactory evidence of financial responsibility" means posting with the board a \$300,000 surety bond.
  - (6) Applicant's name, social security number, address of residency, mailing address if different from address of residency, date of birth, and telephone number;
  - (7) Applicant's preferred examination site(s) in California unless the applicant has passed the Western Regional Examining Board examination;
  - (8) Any request for accommodation pursuant to the Americans with Disabilities Act unless the applicant has passed the Western Regional Examining Board examination;

- (9) Information regarding applicant's education including dental education and postgraduate study;
  - (10) Certification from the dean of the qualifying dental school attended by the applicant to certify the date the applicant graduated;
  - (11) Information regarding whether the applicant has any pending or had in the past any charges filed against a dental license or healing arts license;
  - (12) Information regarding any prior disciplinary action(s) taken against the applicant regarding any dental license held by the applicant including the United States Military, United States Public Health Service or other federal government entity. "Disciplinary action" includes, but is not limited to, suspension, revocation, probation, confidential discipline, consent order, letter of reprimand or warning, or any other restriction or action taken against a dental license. If an applicant answers "yes", he or she shall provide the date of the effective date of disciplinary action, the state where the discipline occurred, the date(s), charges convicted of, disposition and any other information requested by the board;
  - (13) Information as to whether the applicant is currently the subject of any pending investigation by any governmental entity. If the applicant answers "yes," he or she shall provide any additional information requested by the board;
  - (14) Information regarding any instances in which the applicant was denied a dental license, denied permission to practice dentistry, or denied permission to take a dental board examination. If the applicant answers "yes", he or she shall provide the state or country where the denial took place, the date of the denial, the reason for denial, and any other information requested by the board;
  - (15) Information as to whether the applicant has ever surrendered a license to practice dentistry in another state or country. If the applicant answers "yes," additional information shall be provided including state or country of surrender, date of surrender, reason for surrender, and any other information requested by the board;
  - (16) Information as to whether the applicant has ever been convicted of any crime including infractions, misdemeanors and felonies unless the conviction was for an infraction with a fine of less than \$300. "Conviction" for purposes of this subparagraph includes a plea of no contest and any conviction that has been set aside pursuant to Section 1203.4 of the Penal Code. Therefore, applicants shall disclose any convictions in which the applicant entered a plea of no contest and any convictions that were subsequently set aside pursuant to Section 1203.4 of the Penal Code;
  - (17) Whether the applicant is in default on a United States Department of Health and Human Services education loan pursuant to Section 685 of the Code.
  - (18) Any other information the board is authorized to consider when determining if an applicant meets all applicable requirements for examination and licensure;  
and
  - (19) A certification, under the penalty of perjury, by the applicant that the information on the application is true and correct;
- (c) Completed applications shall be filed with the board not later than 45 days prior to the date set for the beginning of the examination for which application is made. An

application shall not be deemed incomplete for failure to establish compliance with educational requirements if the application is accompanied by a certification from an approved school that the applicant is expected to graduate from that school prior to such examination and if the approved school certifies not less than 15 days prior to examination that the applicant has in fact graduated from that school.

- (d) ~~The processing times for dental licensure are set forth in Section 1061.~~

In addition to complying with the applicable provisions contained in subsections (a) through (c) above, an applicant for licensure as a dentist upon passage of Western Regional Examining Board ("WREB") examination shall also furnish evidence of having successfully passed, on or after January 1, 2005, the WREB examination.

Authority cited: Section 1614, Business and Professions Code. Reference: Sections 1628 and 1628.5 and 1632, Business and Professions Code; ~~and Section 15376, Government Code.~~

#### **§1034. Grading of Examinations Administered by the Board.**

This section shall apply to the clinical and written examination administered by the board pursuant to Section 1632(c)(1) of the code.

- (a) Each examiner shall grade independently. Examinations shall be anonymous. An anonymous examination is one conducted in accordance with procedures, including but not limited to those set forth below, which ensure and preserve the anonymity of examinees. The board shall randomly assign each examinee a number, and said examinee shall be known by that number throughout the entire examination. The grading area shall be separated from the examination area by barriers ~~which~~ that block the grading examiners' view of examinees during the performance of the examination assignments. There shall be no communication between grading examiners and clinical floor examiners except for oral communications conducted in the presence of board staff. There shall be no communication between grading examiners and examinees except written communications on board approved forms.
- (b) The final grade of each examinee shall be determined by averaging the grades obtained in:
- (1) Endodontics;
  - (2) Removable prosthodontics evaluation examination;
  - (3) Periodontics;
  - (4) Amalgam restoration;
  - (5) Composite resin restoration; and
  - (6) Clinical simulated fixed prosthetics preparations.
- (c) An examinee shall be deemed to have passed the examination if ~~his/her~~ his or her overall average for the entire examination is at least 75% and the examinee has obtained a grade of 75% or more in at least four sections of the examination, except that an examinee ~~shall~~ may not be deemed to have passed the examination if he or she receives a score of less than 75% in more than one section of the examination in which a patient is treated.
- (d) The executive officer shall compile and summarize the grades attained by each examinee and establish the overall average of each examinee. ~~He/she~~ He or she shall

indicate on the records so compiled the names of those examinees who have passed or failed the examination and shall so notify each examinee.

Authority cited: Section 1614, Business and Professions Code. Reference: Sections 1614, 1615, 1632, 1633 and 1634, Business and Professions Code.

Add Section 1034.1 to read:

**§1034.1. Passing Score of Examination Administered by the Western Regional Examining Board (WREB) (§ 1632(c)(2) of the Code).**

The board will accept as a passing score for Western Regional Examining Board examination the passing score as determined by the Western Regional Examining Board.

Authority cited: Section 1614, 1632 Business and Professions Code. Reference: Sections 139 and 1632, Business and Professions Code.